

ORIGINAL



0000129404

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

2011 SEP -8 P 1:38

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

SEP 8 2011

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
UNS ELECTRIC, INC. FOR APPROVAL OF ITS  
2012 RENEWABLE ENERGY STANDARD  
IMPLEMENTATION PLAN AND DISTRIBUTED  
ENERGY ADMINISTRATIVE PLAN AND  
REQUEST FOR RESET OF RENEWABLE  
ENERGY ADJUSTOR.

DOCKET NO. E-04204A-11-0267

**PROCEDURAL ORDER REQUIRING  
PUBLIC NOTICE AND SETTING  
INTERVENTION DEADLINE**

**BY THE COMMISSION:**

On July 1, 2011, UNS Electric, Inc. ("UNSE" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of its 2012 Renewable Energy Standard Implementation Plan and request for reset of renewable energy adjustor.

Intervention has been granted to SolarCity Corporation ("SolarCity").

On August 24, 2011, at an Open Meeting of the Commission, the Commission directed the Commission's Hearing Division to schedule and hold a procedural conference at the earliest possible date for the purpose of discussing a hearing on the 2012 Renewable Energy Standard Implementation Plans filed by UNSE, Arizona Public Service Company ("APS") (Docket No. E-01345A-11-0264), and Tucson Electric Power Company ("TEP") (E-01933A-11-0269).

On August 25, 2011, a Procedural Order was issued setting a procedural conference for the purpose of having parties discuss procedural issues including a hearing, consolidation of this docket with Docket Nos. E-01345A-11-0264 and E-01933A-11-0269, notice, and an intervention deadline.

On August 30, 2011, the procedural conference convened as scheduled. APS, TEP, UNSE, the Solar Alliance ("Solar Alliance"), SolarCity, Freeport-McMoRan Copper & Gold, Inc. ("Freeport-McMoRan") and Arizonans for Choice and Competition ("AECC"), Western Resource Advocates ("WRA"), the Residential Utility Consumer Office ("RUCO"), and the Commission's Utilities Division ("Staff") appeared through counsel. The parties stated that they had no objection to

1 the intervention of RUCO in this matter. The parties discussed the possibility of a hearing,  
2 consolidation of this docket with Docket Nos. E-01345A-11-0264 and E-01933A-11-0269, notice,  
3 and an intervention deadline.

4 On August 31, 2011, RUCO filed an Application to Intervene.

5 On September 7, 2011, at an Open Meeting of the Commission, the Commission directed  
6 Staff to prepare a Staff Report in this docket and Docket Nos. E-01345A-11-0264 and E-01933A-11-  
7 0269 for consideration at a future Commission Open Meeting, and indicated that a hearing may or  
8 may not be held on limited issues following that Open Meeting. The Commission also directed the  
9 Hearing Division to set a deadline for intervention in this docket. The Commission indicated that it  
10 intends to reach a determination on the application by the end of December, 2011.

11 The Commission will consider the application and Staff's recommendation at an Open  
12 Meeting of the Commission that will be held following the issuance of a Staff Report. At that Open  
13 Meeting, the Commission may vote on the application or may determine that an evidentiary hearing  
14 should be held for the purpose of taking evidence on limited issues. Should the Commission decide  
15 to hold a hearing, the process will be expedited and the schedule will be tailored to allow the  
16 Commission to reach a determination on the application by the end of December, 2011.

17 Following the issuance of the Staff Report, parties will have 10 days to file comments thereon  
18 and/or to request that a hearing be held. Any request for hearing must state with specificity the issue  
19 or issues which the party believes necessitate an evidentiary hearing. In its discretion, the  
20 Commission may or may not hold a hearing.

21 Public notice of the application should be ordered, and a deadline for intervention by  
22 interested parties should be set.

23 IT IS THEREFORE ORDERED that intervention shall be in accordance with A.A.C. R14-3-  
24 105, except that **all motions to intervene must be filed on or before September 30, 2011.**

25 IT IS FURTHER ORDERED that RUCO is hereby granted intervention.

26 IT IS FURTHER ORDERED that all parties shall file their comments on the Staff Report no  
27 later than 10 calendar days following the date the Staff Report is issued.

28 IT IS FURTHER ORDERED that any party requesting a hearing shall file a request no later

than 10 days following the date the Staff Report is issued. Any such request shall state with specificity the issue or issues which the party believes necessitate an evidentiary hearing. In its discretion, the Commission may or may not hold a hearing.

IT IS FURTHER ORDERED that UNSE shall provide public notice of the application in the following form and style with the heading in no less than 18-point bold type and the body in no less than 10-point regular type:

**PUBLIC NOTICE OF THE APPLICATION OF UNS ELECTRIC, INC. FOR  
APPROVAL OF ITS 2012 RENEWABLE ENERGY STANDARD  
IMPLEMENTATION PLAN AND DISTRIBUTED ENERGY ADMINISTRATIVE  
PLAN AND REQUEST FOR RESET OF RENEWABLE ENERGY ADJUSTOR.**

**(DOCKET NO. E-04204A-11-0267)**

**Summary**

On July 1, 2011, UNS Electric, Inc. ("UNSE" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of its 2012 Renewable Energy Standard Implementation Plan and request for reset of renewable energy adjustor.

The Commission's Utilities Division ("Staff") is in the process of reviewing and analyzing the application and will issue a Staff Report with its analysis and recommendation. **THE COMMISSION IS NOT BOUND BY THE PROPOSALS MADE BY UNSE, STAFF, OR ANY INTERVENORS, AND THE IMPLEMENTATION PLAN APPROVED BY THE COMMISSION MAY DIFFER FROM THE PLAN REQUESTED BY UNSE OR PROPOSED BY OTHER PARTIES.**

**How You Can View or Obtain a Copy of the Application**

Copies of the application are available from UNSE at its office, [Company insert address and phone number] and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function, located at the bottom of the web page.

**Arizona Corporation Commission Public Hearing Information**

No hearing has been set on the application. The Commission will consider the application and Staff's recommendation at an Open Meeting of the Commission that will be held following the issuance of a Staff Report. At that Open Meeting, the Commission may vote on the application or may determine that an evidentiary hearing should be held for the purpose of taking evidence on limited issues. Should the Commission decide to hold a hearing, the process will be expedited and the schedule will be tailored to allow the Commission to reach a determination on the application by the end of December, 2011. **Unless you intervene in this docket, you will receive no further notice of any Open Meetings or any hearing that may be held on the application.**

1 Following the issuance of the Staff Report, intervenors will have 10 days to file  
2 comments thereon and/or to request that a hearing be held. Any request for  
3 hearing must state with specificity the issue or issues which the intervenor believes  
4 necessitate an evidentiary hearing. In its discretion, the Commission may or may  
5 not hold a hearing.

#### 6 **About Intervention**

7 Under appropriate circumstances, interested parties may intervene in this case. Any  
8 person or entity entitled by law to intervene and having a direct and substantial interest in  
9 the matter will be permitted to intervene.

10 If you wish to intervene, you must file an original and 13 copies of a written motion to  
11 intervene with the Commission no later than **September 30, 2011**, and send a copy of the  
12 motion to UNSE or its counsel and to all parties of record. Your motion to intervene  
13 must contain the following:

- 14 1. Your name, address, and telephone number, and the name, address, and telephone  
15 number of any party upon whom service of documents is to be made, if not yourself;
- 16 2. A short statement of your interest in the proceeding (e.g., a customer of UNSE, a  
17 shareholder of UNSE, etc.); and
- 18 3. A statement certifying that you have mailed a copy of the motion to intervene to  
19 UNSE or its counsel and to all parties of record in the case.

20 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that  
21 all motions to intervene must be filed on or before **September 30, 2011**. All parties must  
22 comply with Arizona Supreme Court Rules 31 and 38 and A.R.S. § 40-243 with respect  
23 to the practice of law. For information about requesting intervention, visit the  
24 Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.  
25 Failure to intervene will not preclude any interested person or entity from providing  
26 public comment on the application or from filing written comments in the record of the  
27 case.

#### 28 **How to File Public Comments on the Application**

Written public comments may also be submitted by mailing a letter referencing Docket  
No. **E-04204A-11-0267** to Arizona Corporation Commission, Consumer Services  
Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use  
and instructions on how to e-mail comments to the Commission, go to  
<http://www.azcc.gov/Divisions/Utilities/forms/PublicCommentForm.pdf>.

#### **ADA/Equal Access Information**

The Commission does not discriminate on the basis of disability in admission to its  
public meetings. Persons with a disability may request a reasonable accommodation  
such as a sign language interpreter, as well as request this document in an alternative  
format, by contacting the ADA Coordinator, Shaylin Bernal, email [SABernal@azcc.gov](mailto:SABernal@azcc.gov),  
voice phone number 602-542-3931. Requests should be made as early as possible to  
allow time to arrange the accommodation.

#### **Who to Contact if you have Questions**

For further information on the APS application and procedural schedule, please contact  
UNSE at [Company insert phone number] or the Commission's Consumer Services  
Section at 602-542-4251, or 1-800-222-7000 (outside the metro Phoenix area). For  
further information or assistance with intervention or how to make public comment,  
please contact the Commission's Consumer Services Section at 602-542-4251, or 1-800-  
222-7000 (outside the metro Phoenix area).

1 IT IS FURTHER ORDERED that UNSE shall cause a copy of the above notice to be  
2 published in a newspaper of statewide circulation no later than **September 16, 2011.**

3 IT IS FURTHER ORDERED that UNSE shall file certification of publication as soon as  
4 possible after the publication has been completed, but **no later than September 23, 2011.**

5 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,  
6 notwithstanding the failure of an individual customer to read or receive the notice.

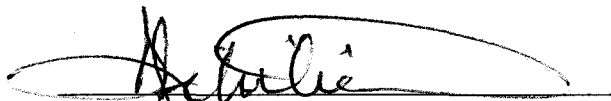
7 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
8 31, 38, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

9 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
10 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
11 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances  
12 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
13 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
14 Administrative Law Judge or the Commission.

15 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
16 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

17 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
18 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
19 hearing.

20  
21 DATED this 8<sup>th</sup> day of September, 2011.  
22  
23

24  
25   
26 TEENA AMBILIAN  
27 ADMINISTRATIVE LAW JUDGE  
28

1 Copies of the foregoing mailed/delivered  
this 5th day of September, 2011 to:

2 Michael W. Patten  
3 ROSHKA DEWULF & PATTEN, PLC  
4 One Arizona Center  
400 East Van Buren Street, Suite 800  
Phoenix, AZ 85004

5 Philip J. Dion  
6 Melody Gilkey  
TUCSON ELECTRIC POWER COMPANY  
7 One South Church Avenue, Suite 200  
Tucson, AZ 85701

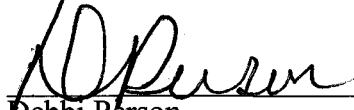
8 Court S. Rich  
9 M. Ryan Hurley  
ROSE LAW GROUP, PC  
10 6613 North Scottsdale Road, Suite 200  
Scottsdale, AZ 85250  
11 Attorneys for SolarCity Corporation

12 Daniel W. Pozefsky, Chief Counsel  
RESIDENTIAL UTILITY CONSUMER OFFICE  
13 1110 West Washington, Suite 220  
Phoenix, AZ 85007

14 Janice Alward, Chief Counsel  
15 Legal Division  
ARIZONA CORPORATION COMMISSION  
16 1200 West Washington Street  
Phoenix, AZ 85007-2927

17 Steven M. Olea, Director  
18 Utilities Division  
ARIZONA CORPORATION COMMISSION  
19 1200 West Washington Street  
Phoenix, AZ 85007-2927

20  
21 By:

  
22 Debbi Person  
Assistant to Teena Jibilian  
23  
24  
25  
26  
27  
28